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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/884,596	06/18/2001	Akimasa Fleshler	BEA920010006US1	3370

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EXAMINER	
CLARK, ISAAC R	

ART UNIT	PAPER NUMBER
2154	

DATE MAILED: 09/29/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/884,596	FLESHLER ET AL.	
	Examiner	Art Unit	
	Isaac R Clark	2154	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *18 June 2001*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-20* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-20* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *18 June 2001* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

1. Claims 1-20 are presented for examination.

Priority

2. No claim for priority has been made in this application.

3. The effective filing date for the subject matter in the pending claims in this application is 06/18/2001.

Drawings

4. The Examiner contends that the drawings submitted on 06/18/2001 are acceptable for examination proceedings.

Claim Rejections - 35 USC § 112

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6. Claim 6 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

7. Regarding claim 6, the phrase "selected from the group of mobile wireless consoles consisting essentially of" renders the claim indefinite because it is unclear what types of consoles other than the enumerated wireless phone and the personal-digital-assistant are included within the scope of the claim.

8. For the purpose of examining claim 6, the phrase "consisting essentially of" will be interpreted as "consisting of".

Claim Rejections - 35 USC § 102

9. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

10. Claims 1, 2, 4, 6, 9, 11, 12, 15, and 17 are rejected under 35 U.S.C. 102(e) as being anticipated by McAlear (US 6,754,710).

11. As per claim 1, McAlear discloses a system comprising: a resource 130; and, one or more mobile wireless consoles 260, each mobile wireless console at least indirectly communicating wirelessly with the resource over a wireless network 263 in accordance with an open, common, and non-proprietary protocol to manage the resource (Fig. 3; col. 6, lines 30-45; protocol is WAP).

12. As per claim 2, McAlear discloses the system of claim 1, wherein the resource is one of a server 130 and a network platform (col. 6, lines 30-32).

13. As per claim 4, McAlear discloses the system of claim 1, further comprising a wireless gateway, such that each mobile wireless console 270 directly communicates wirelessly with the wireless gateway 260 over the wireless network 263 to indirectly communicate wirelessly with the resource, the wireless gateway communicating with the resource over a wired network 261 and 150 (Fig. 3; col. 6, lines 30-45).

14. As per claim 6 as construed, McAlear discloses the system of claim 1, wherein at least one of the one or more mobile wireless consoles is each selected from the group of mobile wireless consoles consisting of: a wireless phone, and a personal-digital-assistant (PDA) device having mobile wireless communication capability (col. 5, lines 55-60).

15. As per claim 9, McAlear discloses the system of claim 1, wherein the open, common, and non-proprietary protocol is a version of one of the Wireless Access Protocol (WAP) and an Internet Protocol (IP)-based mobile protocol (col. 5, lines 7-14, and 52-55).

16. As per claim 11, McAlear discloses a method comprising: receiving a message including a resource management operation intended for a resource at a mobile wireless console (Fig. 6 blocks 610-640); encoding the message at the mobile wireless console in accordance with an open, common, and non-proprietary protocol (col. 6, lines 30-36); and, sending the message as encoded from the mobile wireless console for ultimate delivery to the resource for performance of the resource management operation over a wireless network in accordance with the open, common, and non-proprietary protocol (col. 6, lines 35-47) .

17. As per claim 12, McAlear discloses the method of claim 11, further comprising: receiving the message as encoded at a wireless gateway from the mobile wireless console over the wireless network in accordance with the open, common, and non-proprietary protocol (col. 6; lines 30-35); decoding the message at the wireless gateway in accordance with the open, common, and

non-proprietary protocol (col. 6, lines 35-36); sending the message as decoded from the wireless gateway for ultimate delivery to the resource for performance of the resource management operation over a wired network (col. 6, lines 35-41); receiving the message at the resource from the wireless gateway over the wired network; and performing the resource management operation at the resource(col. 6, lines 38-48).

18. As per claim 15, claim 15 is a product claim containing the same subject matter as claim 1. Claim 15 is rejected for the same reason as claim 1.

19. As per claim 17, claim 17 is rejected for the same reason as claim 4.

Claim Rejections - 35 USC § 103

20. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

21. Claims 3, 13, and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over McAlear in view of Taylor (US 6,785,730).

22. As per claim 3, McAlear teaches the system of claim 1, further comprising: a wireless gateway 260 such that each mobile wireless console directly communicates wirelessly with the wireless gateway over the wireless network to indirectly communicate wirelessly with the resource (Fig. 3; gateway communicates with resource via a wired connection to the internet; col. 6, lines 30-43).

23. McAlear fails to explicitly teach a firewall protecting the resource with the wireless gateway outside the firewall and the gateway communicating with the resource over a wired network through the firewall.

24. Taylor teaches a firewall 28 protecting the resource 29 with the wireless gateway outside the firewall and the gateway 22 communicating with the resource 29 over a wired network through the firewall (Fig. 1; col. 5, lines 1-14).

25. It would have been obvious to one of ordinary skill in this art at the time the invention was made to combine the teaching of McAlear and Taylor because they both deal with communicating with a server from a client using the WAP protocol. Furthermore, the teaching of Taylor to employ a firewall between the wireless gateway and the server would provide security for the resources inside the firewall by filtering IP packets after conversion by the gateway.

26. As per claim 13, McAlear teaches the method of claim 12, wherein sending the resource management operation as decoded from the wireless gateway over the wired network comprises sending the resource management operation as decoded from the wireless gateway over the wired network.

27. McAlear fails to teach explicitly teach sending the decoded resource management operation from the gateway through a firewall.

28. Taylor teaches sending the decoded resource management operation from the gateway 22 through a firewall 28 (Fig. 1; col. 5, lines 1-14).

29. It would have been obvious to one of ordinary skill in this art at the time the invention was made to combine the teaching of McAlear and Taylor because they both deal with communicating with a server from a client using the WAP

protocol. Furthermore, the teaching of Taylor to employ a firewall between the wireless gateway and the server would provide security for the resources inside the firewall by filtering IP packets after conversion by the gateway

30. As per claim 16, claim 16 is rejected for the same reason as claim 3.

31. Claims 5, 10, 14, 18 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over McAlear in view of Chan (US 6,760,759).

32. As per claim 5, McAlear does not explicitly teach the system of claim 1, wherein each mobile wireless console directly communicates wirelessly with the resource over the wireless network.

33. Chan teaches a wireless console 19 communicating directly with a resource 24 (Fig. 6; col. 5, line 64-col. 6, line 5).

34. It would have been obvious to one of ordinary skill in this art at the time the invention was made to combine the teaching of McAlear and Chan to have the wireless console communicate directly with a resource because they both deal with initiating activity on a server via a WAP client. Furthermore, the teaching of Chan to have the wireless console communicate directly with a wireless server would implement eliminate the need for wiring infrastructure at the server.

35. As per claim 10, McAlear-Chan teaches the system of claim 1, wherein each mobile wireless console has a protocol stack in accordance with the open, common, and non-proprietary protocol (Chan, col. 5, lines 20-25; WAP protocol stack).

36. As per claim 14, McAlear teaches the method of claim 11, further comprising: receiving the resource management operation as encoded at the resource from the mobile wireless console over the wireless network in accordance with the open, common, and non-proprietary protocol; decoding the resource management operation in accordance with the open, common, and non-proprietary protocol; and, performing the resource management operation at the resource (col. 6, lines 30-48).

37. McAlear fails to teach that receiving and decoding of the resource management operation is performed at the resource.

38. Chan teaches receiving and decoding of the resource management operation is performed at the resource (col. 5, lines 23-25; console uses WAP; col. 4, lines 41-44 connection to access services made directly to server).

39. It would have been obvious to one of ordinary skill in this art at the time the invention was made to combine the teaching of McAlear and Chan to receive and decode communications at the mobile server to manage server resources because they both deal with initiating activity on a server via a WAP client. Furthermore, the teaching of Chan to perform the receiving and encoding at the server would implement eliminate the need for wired infrastructure at the server.

40. As per claim 18, McAlear fails to explicitly teach the article of claim 15, wherein the means is for managing the resource by directly communicating wirelessly with the resource over the wireless network.

41. Chan teaches a wireless console 19 communicating directly with a resource 24 (Fig. 6; col. 5, line 64-col. 6, line 5).

42. It would have been obvious to one of ordinary skill in this art at the time the invention was made to combine the teaching of McAlear and Chan to manage the resource by directly communicating wirelessly with the resource over the wireless network because they both deal with initiating activity on a server via a WAP client. Furthermore, the teaching of Chan to use a mobile web server would implement eliminate the need for wiring infrastructure at the server.

43. As per claim 20, McAlear teaches the article of claim 15, wherein the medium is a recordable data storage medium (col. 38-54).

44. McAlear fails to explicitly teach that the medium is a modulated carrier signal.

45. Chan teaches the medium being a modulated carrier signal (col. 5, lines 1-5).

46. It would have been obvious to one of ordinary skill in this art at the time the invention was made to combine the teaching of McAlear and Chan to manage the resource using a modulated carrier signal because they both deal with initiating activity on a server via a WAP client. Furthermore, the teaching of Chan to use a modulated RF carrier would allow managing the resource remotely from a distant wireless client.

47. Claims 7 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over McAlear in view Nouri et al (US 6,330,690) hereinafter Nouri.

48. As per claim 7, McAlear teaches the system of claim 1, wherein each mobile wireless console at least indirectly communicates wirelessly to manage the resource.

49. McAlear fails to explicitly teach performing pre-boot management activities related to the resource.

50. Nouri teaches using a remote client to perform pre-boot management activities related to the resource (Abstract; col. 3, lines 5-42)

51. It would have been obvious to one of ordinary skill in this art at the time the invention was made to combine the teaching of McAlear and Nouri to use a mobile remote console to perform pre-boot management activities on a resource because they both managing network servers from a remote client. Furthermore, the teaching of Nouri to use a remote console to perform pre-boot activities would allow an administrator to analyze system failures from a remote station (col. 3, lines 45-53).

52. As per claim 19, McAlear fails to teach the article of article of claim 15, wherein the means is for managing the resource to perform at least one of pre-boot management activities related to the resource and in-band management activities related to the resource.

53. Nouri teaches using a remote client to perform pre-boot management activities related to the resource (Abstract; col. 3, lines 5-42)

54. The rationale for combining Nouri and McAlear is as described for claim 7 above.

55. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over McAlear in view of Martin et al. (US 6,741,855) hereinafter Martin.

56. As per claim 8, McAlear fails to explicitly teach the system of claim 1, wherein each mobile wireless console at least indirectly communicates wirelessly

to manage the resource to perform in-band management activities related to the resource.

57. Martin teaches the system of claim 1, wherein each mobile wireless console at least indirectly communicates wirelessly to manage the resource to perform in-band management activities related to the resource (Abstract; Fig. 2, blocks 200-208; col. 1, lines 46-67).

58. It would have been obvious to one of ordinary skill in this art at the time the invention was made to combine the teaching of McAlear and Martin to perform use a wireless console to perform in-band management activities because they both using a mobile platform to communicate with server. Furthermore, the teaching of Martin to perform in-band management activities from a wireless console would make it possible to interact with data stored on the server from a mobile device (col. 1, lines 53-55).

Conclusion

59. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The following patents and publications are cited to further show the state of the art with respect to "Mobile Wireless Management of Servers and Other Resources".

i.	Pontoppidan et al.	US 2002/0161872
ii.	Myers et al.	US 2002/0052940
iii.	Tindal et al.	US 2002/0069274
iv.	Braatz et al.	US 2002/0120728
v.	Reichmann	US 6,738,813

vi. Lee et al. US 6,336,137

vii. Dalal et al. US 2003/0191988

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Isaac R Clark whose telephone number is (571)272-3961. The examiner can normally be reached on Monday-Friday 8:00am-4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John A Follansbee can be reached on (571)272-3964. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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